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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,586	11/17/2000	Peter Worthington Hamilton	5922R2C	5737

27752 7590 08/25/2004

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/715,586

Applicant(s)

WORTHINGTON HAMILTON ET AL.

Examiner

Victor S Chang

Art Unit

1771

*[Handwritten signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18, 41-52, 54-58, 66, 81 and 95-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18, 41-52, 54-58, 66, 81 and 95-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Introduction*

1. In view of the Appeal Brief filed on 6/14/2004, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Rejections not maintained are withdrawn. In particular, Applicants' argument "The '749 reference is silent and does not even suggest providing a sheet of non-porous material having an adhesive continuously disposed thereon" (Remarks, page 7, 5<sup>th</sup> paragraph) is persuasive. As such, the rejection set forth in section 5 of Office action dated 12/11/2003 is withdrawn. However, Applicants' arguments are moot in view of the new grounds of rejection as follows.

***Rejections Based on Prior Art***

4. Claims 1-11, 14-18, 41-51, 54-58, 66, 81, 95-99, 101-107 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of Reed et al. (US 4054697), and further in view of the admitted prior art, substantially for the reasons set forth in section 10 of Office action dated 8/4/2003, together with the following additional observations.

First, the Examiner substantially repeats (see Office action dated 8/4/2003) the relied upon prior art Wilbur as follows: Wilbur's invention relates to wrappers of flexible paper or other equivalent sheet material (column 1, lines 1-3). Wilbur teaches that the invention can be embodied in a label, wrapper, envelope or other article of flexible sheet material intended for other uses (page 1, column 2, lines 34-37). Fig. 7 shows that an embodiment in which a multiplicity of pin punctures 16 each of which is surrounded by an outstanding tubular burr 17, and surrounded by a coating of permanently sticky or tacky adhesive 18. The outstanding burrs 17 serve as means for normally shielding the adhesive coating against accidental contact with other objects. When end portions are overlapped and pressed together, the burrs or bosses 17 are collapsed, the ends are united by the adhesive (page 2, column 1, line 48 to column 2, line 8).

For independent claims 41 and 95, it is noted that Wilbur lacks a teaching that the flexible sheet material is non-porous, and also lacks an express teaching about the wrapper's physical properties (conformable with a small resiliency). However, it is noted that Reed's invention is directed to a sheet material which is provided with a continuous coating of tacky, pressure-sensitive, adhesive. The adhesive coating is then provided

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with a coating of a discontinuous layer of resilient, non-adhesive particles. The coating of particles have the ability to be deformed under a load and thus, upon application to a support surface, deform, under pressure, to such an extent as to bring the adhesive and the surface into fuller contact (Abstract). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to modify Wilbur's wrapper with Reed's coating of deformable particles, motivated by the desire to obtain a non-porous wrapper for fully wrapped (sealed) applications. As to the wrapper's physical properties (conformable and low resiliency), it is noted that Applicants have admitted that it is known art that sheet materials with clinging character (i.e., cling film) can be used to form a closure for a container (i.e., conformable) (specification, page 1, lines 18-26). As such, it is the Examiner's position that suitable physical properties of the wrapper are either anticipated by Wilbur, or an obvious selection of sheet material, motivated by the desire to obtain a conformable wrapper for fully wrapped (sealed) applications.

For claims 1, 11, 51, 81, 99, 102, 103 and 107, Applicants have admitted that it is known art that a suitable wrap sheet materials (e.g., a cling film) can be used to form a closure for a container, as set forth above.

For claims 2-10, 42-50, 96-98 and 104-106, both Wilbur and Reed teach that the bonding is activated by pressing, as set forth above. Regarding the instantly claimed methods of use (i.e., direction of the pressure in relative to the sheet material, the amount of pressure, the adhesion peel force, and the selective activation of adhesion in discrete regions), the Examiner notes that these elements are not given any patentable

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weight patentable weight, because these methods of use fail to structurally distinguish the instant invention from the prior art.

For claims 14, 53, 54, 66, 101 and 109, Wilbur expressly teaches that the adhesive is permanently sticky or tacky, as set forth above.

For claims 15, 16, 18, 55, 56 and 58, Applicants admitted that polymeric materials such as PVC, PVDC and PE are commonly used to form a cling film (specification, page 1, 4<sup>th</sup> paragraph), and they are well known to be substantially translucent or transparent non-tacky film materials.

For claims 17 and 57, although Reed is silent about the height of the particles (protrusions), Reed does teach that the discontinuous coating of non-tacky resilient particles varies in size and distribution, depending on the area to be covered, the thickness of the adhesive, and the strength of the adhesive, etc. (column 2, lines 9-16). As such, it is the Examiner's position that suitable size (height) of the particles are either anticipated by Reed, or an obvious optimizations to one skilled in the art, motivated by the desire to prevent premature adhesion.

5. Claims 12, 52, 100 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbur (US 2338749) in view of the admitted prior art, and further in view of Reed et al. (US 4054697) and Kovac (US 3819467), substantially for the reasons set forth in section 10 of Office action dated 8/4/2003, together with the following additional observations.

For claims 12, 52, 100 and 108, Wilbur lacks a teaching of coating adhesive on both sides of the sheet material. However, it is noted Kovac's invention teaches a

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double faced tape which seals to the inside of a wrapped frame (column 4, lines 4-9).

As such, it would have been obvious to one of ordinary skill in the art to modify the teachings of Wilbur and Reed by coating adhesives on both sides of the wrapper, motivated by the desire to obtain a good seal around a wrapped container without loose film hanging away from the side of the container.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In addition, the following references are cited of interest for making pressure activatable pressure sensitive adhesive sheet:

US 6541098 to Venkatasanthanam et al. is directed to a three-dimensional flexible adhesive film structures are described which exhibit tack on demand characteristics.

US 6299966 to Bonke et al. is directed to a cling wrap comprising a first surface having an embossed area including a plurality of protrusions therefrom forming a plurality of raised contact surfaces and a base surface. The cling wrap is acceptable for direct food contact and is sufficiently heat resistant for microwave re-heating.

US 5344681 to Calhoun et al. is directed to a carrier web with recesses or pockets therein which contain pressure sensitive adhesive. The recesses in the carrier web maintain the adhesive in a discrete pattern during handling and storage and prevent lateral flow of the pressure sensitive adhesive under ambient conditions.

US 5849394 to Bussey et al. is directed to A laminated bubble wrap packaging material is provided with has a tackifier, such as a polybutene, dispersed homogeneously throughout the packaging material.

Derwent Abstract of DE 19724648 is directed to Non-blocking self-adhesive sheet, especially for linerless-labels.

**Conclusion**


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSC  
Victor S Chang  
Examiner  
Art Unit 1771

8/18/2004

  
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